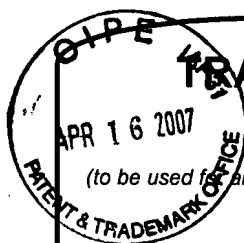


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HDP/SB/21 based on PTO/SB/21 (08-00)

22 APR 16 2007



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/651,792
Filing Date	August 30, 2000
Inventor(s)	Hongbin Ji et al
Group Art Unit	2616
Examiner Name	Hnah N. Nguyen
Attorney Docket Number	129250-001022/US

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Change of Correspondence Address and POA

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims)

☒ Appeal Communication to Group (Notice of Appeal, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below): Check No. 1310 for \$500

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

Attorney Name
John E. Curtin

Reg. No.
37,602

Signature

Date

April 16, 2007

PTO FEE TRANSMITTAL
for FY 2007

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

Application Number 09/651,792

Filing Date August 30, 2000

First Named Inventor Hongbin Ji

Examiner Name Hanh J. Nguyen

Art Unit 2616

Attorney Docket No. 129250-001022/US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-3777

Deposit Account Name CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 20 ** = 9 prev. paid for X Fee from below = 0

Independent Claims 3 ** = 4 prev. paid for X Fee from below = 0

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 500

4. SEARCH/EXAMINATION FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
SUBTOTAL (4)					(\$) 0

SUBMITTED BY

Name (Print/Type) John E. Curtin

Signature

Registration No. (Attorney/Agent) 37,602

Telephone (703) 266-3330

Date April 16, 2007

Complete (if applicable)

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/651,792

Filing Date: August 30, 2000

Applicants: Hongbin JI et al.

Group Art Unit: 2616

Examiner: Justin M. Philpott

Title: CALL ADMISSION CONTROL WITH OVERBOOKING
SUPPORT AND CELL LOSS RATIO AND CELL DELAY
VARIATION GUARANTEE

Attorney Docket: 129250-001022/US

APPLICANTS'/APPELLANTS' BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

April 16, 2007

APPELLANTS' BRIEF ON APPEAL

U.S. Application No.: 09/651,792

Atty. Docket: 129250-001022/US

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APPELLANTS' BRIEF ON APPEAL

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office and recorded at Reel 011140, Frame 0401.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-5, 8-13, 39-43 and 46-52 are pending in the application, with claims 1 and 39 being written in independent form.

Claims 1-5, 8-12, 39-43, 46-50 and 52 remain finally rejected under 35 U.S.C. §102(e) and claims 13 and 51 remain finally rejected under 35 U.S.C. §103. Claims 1-5, 8-13, 39-43 and 46-52 are being appealed.

IV. STATUS OF AMENDMENTS:

A Request for Reconsideration ("Request") was filed on January 11, 2007. In an Advisory Action dated February 8, 2007, the Examiner stated that the Request was considered but did not place the application in condition for allowance.

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V. SUMMARY OF CLAIMED SUBJECT MATTER:

(i). Overview of the Subject Matter of the Independent Claims

The present invention is directed at call admission control (CAC) for asynchronous transfer mode (ATM) or Internet Protocol (IP)-based networks that incorporate differentiated services (i.e., quality-of-service (QoS) levels). More specifically, independent claim 1 reads as follows (specification citations follow in parenthesis):

1. A method for controlling call admission to a communication system comprising:

assigning a unique overbooking factor to each of a plurality of service classes, thereby ensuring no two service classes have an identical overbooking factor;

determining an effective bandwidth for each class based in part on said assigned overbooking factor and either a cell delay variation for constant bit rate service classes or a cell loss ratio for variable bit rate service classes;

determining a value of a free bandwidth in said communication system based in part on said determined effective bandwidth for each service class; and

admitting or rejecting a call based on said determined value for said free bandwidth.

(see specification, page 6, lines 3-19; page 8, lines 5-8; page 9, lines 1-4; page 11, lines 2-14, for example).

Independent claim 39 reads as follows:

39. An access terminal for performing call admission control for a communications system, comprising:

a multiplexer/demultiplexer unit; and

a programmed processor, coupled to said multiplexer/demultiplexer unit, operable to:

assign a unique overbooking factor to each of a plurality of service classes, thereby ensuring no two service classes have an identical overbooking factor;

determine an effective bandwidth for each class based in part on said assigned overbooking factor and either a cell delay variation for constant bit rate service classes or a cell loss for variable bit rate service classes;

determine a value of a free bandwidth in said communication system based in part on said determined effective bandwidth for each service class; and

admit or reject a call based on said determined value for said free bandwidth.

(see specification, page 6, lines 3-19; page 8, lines 5-8; page 9, lines 1-4; page 11, lines 2-14; page 20, lines 6-21; page 21, line 20 to page 22, line 1, for example).

In order to make the overview set forth above concise the disclosure that has been included, or referred to, above only represents a portion of the total disclosure set forth in the Specification that supports the independent claims.

(ii). The Remainder of the Specification Also Supports the Claims

The Appellants note that there may be additional disclosure in the Specification that also supports the independent and dependent claims. Further, by referring to the disclosure above the Appellants do not represent that this is the only evidence that supports the independent claims nor do Appellants necessarily represent that this disclosure can be used to fully interpret the claims of the present invention. Instead, this disclosure is an overview of the claimed subject matter.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

Appellants seek the Board's review and reversal of the rejection of claims 1-5, 8-12, 39-43, 46-50 and 52 under 35 U.S.C. §102(e) based on U. S. Patent No. 5,982,748 to Yin et al. ("Yin") and claims 13 and 51 under 35 U.S.C. §103(a) based on Yin in view of U.S. Patent No. 6, 608,815 to Huang et al. ("Huang").

VII. ARGUMENTS:

A. The Section 102 Rejections Based on Yin

The Final Office Action states that claims 1-5, 8, 9, 12, 39-43, 46, 47, 50 and 52 have been rejected under 35 U.S.C. §102(e) based on Yin. Appellants believe the Examiner also intended to include claims 10, 11, 48 and 49 as well. Appellants will proceed on this basis unless the Examiner indicates otherwise. The Appellants respectfully request, however, that the Examiner clarify his position. As for the rejections, the Appellants respectfully disagree for at least the following reasons.

It is respectfully submitted that Yin does not disclose the feature of determining an effective bandwidth for each class of service based in part on an assigned overbooking factor and one of either a cell delay variation or cell loss.

In the Final Office Action, the Examiner relies on Yin as disclosing an “effective bandwidth” and directs the Appellants’ attention to column 7, lines 25-35 of Yin in support of his position. Appellants respectfully submit, however, that these excerpts do not describe the claimed effective bandwidth. Instead, these excerpts define an allocation factor that is based on an “Actual Usage” parameter and/or a “subscribed bandwidth”, A(i), parameter. Appellants submit that neither parameter is akin to, nor suggestive of, the claimed effective bandwidth.

More specifically, on pages 6 through 11 of the present specification the computations of effective bandwidth for CBR and VBR traffic classes are presented. With respect to CBR traffic, it is noted that an effective bandwidth may be computed based on a cell delay variation. Neither the Actual Usage nor the subscribed bandwidth parameters disclosed in Yin appear to be so computed. For example, Yin discloses that the subscribed bandwidth parameter for CBR traffic is derived from “the sum of all PCR [peak cell rate]

values" (column 6, lines 60-65), not from cell delay variations. As such, Yin represents the known method of using cell rates to compute a CBR bandwidth parameter. However, Yin fails to appreciate that, for CBR traffic, only the cell delay variation needs to be used. This was a discovery of the present inventors (see page 6, lines 13-22).

In the Advisory Action the Examiner refers the Appellants to column 3, line 45 to column 4, line 8 and Table 1 of Yin as disclosing a "subscribed bandwidth" based on "respective booking factors and respective cell variations, cell loss ratio." However, instead of recognizing that cell delay variations may directly be used to compute CBR effective bandwidths, Yin states that the variations are first used to "specify the Peak Cell Rate" (see Yin column 3, lines 63-64) which it then uses to calculate CBR bandwidths.

Because Yin does not disclose each and every feature of the rejected claims, it cannot be a basis for anticipating these claims under §102(e). Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner, withdraw these rejections and allow claims 1-5, 8-12, 39-43, 46-50 and 52.

B.) The Section 103 Rejections Based on Yin and Huang

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in view of Huang.

Initially it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin discussed above.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner, withdraw these rejections and allow claims 13 and 51.

Conclusion:

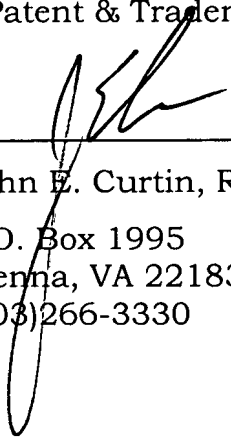
Appellants respectfully request that members of the Board reverse the decision of the Examiner and allow claims 1-5, 8-13, 39-43 and 46-52.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Capitol Patent & Trademark Law Firm, PLLC

By: _____


John E. Curtin, Reg. No. 37,602

P.O. Box 1995
Vienna, VA 22183
(703)266-3330



VIII. CLAIMS APPENDIX

1. A method for controlling call admission to a communication system comprising:

assigning a unique overbooking factor to each of a plurality of service classes, thereby ensuring no two service classes have an identical overbooking factor;

determining an effective bandwidth for each class based in part on said assigned overbooking factor and either a cell delay variation for constant bit rate service classes or a cell loss ratio for variable bit rate service classes;

determining a value of a free bandwidth in said communication system based in part on said determined effective bandwidth for each service class; and

admitting or rejecting a call based on said determined value for said free bandwidth.

2. The method according to claim 1, wherein said step of determining a free bandwidth further comprises:

determining a maximum bandwidth at a port in the communication system; and

subtracting at least a portion of the effective bandwidth for each class from said maximum bandwidth.

3. The method according to claim 2, wherein said step of subtracting further comprises:

dividing the effective bandwidth for each class by its assigned overbooking factor to produce a result; and

subtracting said result from said maximum bandwidth.

4. The method according to claim 1, wherein said step of admitting or rejecting further comprises:

admitting said call if said free bandwidth is greater than zero.

5. The method according to claim 4, wherein said step of admitting or rejecting further comprises:

rejecting said call if said free bandwidth is less than zero.

6. (Cancelled).

7. (Cancelled).

8. The method according to claim 1, wherein said variable bit rate classes include a real time variable bit rate class.

9. The method according to claim 1, wherein said variable bit rate classes include a non-real time variable bit rate class.

10. The method according to claim 1, wherein said assigned overbooking factor has a default value indicating no overbooking.

11. The method according to claim 10, wherein said default value is 1.

12. The method according to claim 1, wherein said communication system is an ATM network.

13. The method according to claim 1, wherein said communication system is an IP network.

14. (Withdrawn) A method for performing bookkeeping in a communication system when a new connection setup is requested comprising:

calculating an effective bandwidth of the new connection to meet a first predetermined criteria;

calculating a variance for a traffic load of the new connection;

calculating a required bandwidth for all calls in the system to meet the first predetermined criteria based in part on said effective bandwidth and said variance of the new connection;

calculating an effective bandwidth of the new connection to meet a second predetermined criteria;

calculating a required bandwidth for all calls in the system to meet the second predetermined criteria;

calculating a required system bandwidth based on a maximum value for said required bandwidth for all calls in the system to meet the first predetermined criteria and said required bandwidth for all calls in the system to meet the second predetermined criteria;

comparing said required system bandwidth to a maximum bandwidth of said system; and

admitting or rejecting said call based on said comparison.

15. (Withdrawn) The method according to claim 14, further comprising:

updating state variables of the system if said call is admitted.

16. (Withdrawn) The method according to claim 14, wherein said step of admitting or rejecting further comprises:

admitting said call if said required system bandwidth is less than said maximum bandwidth.

17. (Withdrawn) The method according to claim 16, wherein said step of admitting or rejecting further comprises:

rejecting said call if said required system bandwidth is greater than said maximum bandwidth.

18. (Withdrawn) The method according to claim 14, wherein said first predetermined criteria is a cell loss ratio.

19. (Withdrawn) The method according to claim 18, wherein said second predetermined criteria is a cell delay variation.

20. (Withdrawn) The method according to claim 14, wherein said step of calculating an effective bandwidth of the new connection to meet a second predetermined criteria further comprises:

calculating an effective bandwidth of all calls in the system to meet the second predetermined criteria.

21. (Withdrawn) The method according to claim 20, further comprising:

updating state variables of the system if said call is admitted.

22. (Withdrawn) The method according to claim 20, wherein said step of admitting or rejecting further comprises:

admitting said call if said required system bandwidth is less than said maximum bandwidth.

23. (Withdrawn) The method according to claim 22, wherein said step of admitting or rejecting further comprises:

rejecting said call if said required system bandwidth is greater than said maximum bandwidth.

24. (Withdrawn) The method according to claim 20, wherein said first predetermined criteria is a cell loss ratio.

25. (Withdrawn) The method according to claim 24, wherein said second predetermined criteria is a cell delay variation.

26. (Withdrawn) The method according to claim 14, wherein said communication system is a wireless communication system.

27. (Withdrawn) A method for performing bookkeeping in a communication system when an existing call requests to be released from the system comprising:

calculating an effective bandwidth of the call requested to be released that satisfies a first predetermined criteria;

calculating a variance for a traffic load of the call requested to be released;

calculating a required bandwidth for all remaining calls in the system that satisfies the first predetermined criteria;

calculating an effective bandwidth of the call requesting to be released and all remaining calls in the system that satisfies a second predetermined criteria;

calculating a required bandwidth for all remaining calls in the system that satisfies the second predetermined criteria;

allocating a required system bandwidth based on a maximum value for said required bandwidth for all remaining calls in the system that satisfies the first predetermined criteria and said required bandwidth for all remaining calls in the system that satisfies the second predetermined criteria; and

releasing the call requesting to be released.

28. (Withdrawn) The method according to claim 27, wherein said step of calculating a variance further comprises:

updating state variables of the system based on said call requesting to be released.

29. (Withdrawn) The method according to claim 27, wherein said first predetermined criteria is a cell loss ratio.

30. (Withdrawn) The method according to claim 29, wherein said second predetermined criteria is a cell delay variation.

31. (Withdrawn) The method according to claim 27, wherein said communication system is an ATM network.

32. (Withdrawn) The method according to claim 27, wherein said communication system is an IP network.

33. (Withdrawn) A method for performing bookkeeping in a communication system when an existing call requests to be released from the system comprising:

determining an effective bandwidth that satisfies a first predetermined criteria for the call requesting to be released;

calculating a variance for a traffic load of the call requesting to be released for said first predetermined criteria;

calculating an effective bandwidth of the call requesting to be released that satisfies a second predetermined criteria;

calculating a variance for a traffic load of the call requesting to be released for said second predetermined criteria;

calculating a required bandwidth of all remaining calls in the system that satisfies the first predetermined criteria;

calculating an effective bandwidth of all remaining calls in the system that satisfies the second predetermined criteria;

allocating a required system bandwidth based on a maximum value for said required bandwidth for all remaining calls in the system that satisfies the first predetermined criteria and said required bandwidth for all remaining calls in the system that satisfies the second predetermined criteria; and

releasing the call requesting to be released.

34. (Withdrawn) The method according to claim 33, wherein said step of calculating a variance for a traffic load of the call requested to be released for said second predetermined criteria further comprises:

updating state variables of the system based on said call requesting to be released.

35. (Withdrawn) The method according to claim 33, wherein said first predetermined criteria is a cell loss ratio.

36. (Withdrawn) The method according to claim 35, wherein said second predetermined criteria is a cell delay variation.

37. (Withdrawn) The method according to claim 33, wherein said communication system is an ATM network.

38. (Withdrawn) The method according to claim 33, wherein said communication system is an IP network.

39. An access terminal for performing call admission control for a communications system, comprising:

a multiplexer/demultiplexer unit; and

a programmed processor, coupled to said multiplexer/demultiplexer unit, operable to:

assign a unique overbooking factor to each of a plurality of service classes, thereby ensuring no two service classes have an identical overbooking factor;

determine an effective bandwidth for each class based in part on said assigned overbooking factor and either a cell delay variation for constant bit rate service classes or a cell loss for variable bit rate service classes;

determine a value of a free bandwidth in said communication system based in part on said determined effective bandwidth for each service class;
and

admit or reject a call based on said determined value for said free bandwidth.

40. The access terminal according to claim 39, wherein said processor is operable to:

determine a maximum bandwidth at a port in the communication system; and

subtract at least a portion of the effective bandwidth for each class from said maximum bandwidth.

41. The access terminal according to claim 40, wherein said processor is operable to:

divide the effective bandwidth for each class by its assigned overbooking factor to produce a result; and

subtract said result from said maximum bandwidth.

42. The access terminal according to claim 39, wherein said processor is operable to:

admit said call if said free bandwidth is greater than zero.

43. The access terminal according to claim 42, wherein said processor is operable to:

reject said call if said free bandwidth is less than zero.

44. (Cancelled).

45. (Cancelled).

46. The access terminal according to claim 39 ,wherein said variable bit rate classes include a real time variable bit rate class.

47. The access terminal according to claim 39 , wherein said variable bit rate classes include a non-real time variable bit rate class.

48. The access terminal according to claim 39, wherein said assigned overbooking factor has a default value indicating no overbooking.

49. The access terminal according to claim 48, wherein said default value is 1.

50. The access terminal according to claim 39, wherein said communication system is an ATM network.

51. The access terminal according to claim 39, wherein said communication system is an IP network.

52. The access terminal according to claim 39, wherein said access terminal is daisy chained to at least one other access terminal, each of said access terminals performing said method for controlling call admission independently of the other.

APPELLANTS' BRIEF ON APPEAL
U.S. Application No.: 09/651,792
Atty. Docket: 129250-001022/US

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.